

## **REMARKS**

### **I. Introduction**

By the present Response does not amend, add, or cancel any claims.  
Accordingly, claims 1-20 remain pending in the application.

### **II. Office Action Summary**

In the Office Action of October 6, 2008, claims 1 -3, 9-13, 16, 17, and 19 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 7,354,400 issued to Asafusa, et al. ("Asafusa"). Regarding this rejection, the Office Action indicates that Asafusa constitutes prior art under §102(e) because of its earlier filing date. The Office Action indicates that the rejection may be overcome either by a showing under 37 C.F.R. §1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another," or by an appropriate showing under 37 C.F.R. §1.131. Applicants respectfully request reconsideration and withdrawal of this rejection based on the following.

Asafusa has a PCT publication data of July 22, 2004, while the present invention has a PCT filing date of December 1, 2004. Thus, it appears that Asafusa should not qualify as prior art under §102(e).

Applicants further note that the instant application claims foreign priority from JP 2004-175639 filed June 14, 2004 and JP 2003-402936 filed December 2, 2003. In this regard, Applicants are in the process of obtaining certified translations of the priority documents, and will submit the same shortly for the Examiner's review.

Withdrawal of this rejection is therefore respectfully requested.

The Examiner's indication that claims 4-8, 14, 18, and 20 would be allowable, if rewritten in independent form to include all the limitations of the base claim and any intervening claims, is noted with appreciation.

As no other rejections/objections remain outstanding, Applicants respectfully submit that the application is substantially in condition for allowance, pending receipt of the certified translations of the priority documents.

If the Examiner believes that there are any matters which can be resolved by way of either a personal or telephone interview, the Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.